

STATE OF TENNESSEE
PUBLIC CHAPTER NO. 405
SENATE BILL NO. 485

By Kyle, Berke

Substituted for: House Bill No. 574

By Cooper, Mike Turner

AN ACT to amend Tennessee Code Annotated, Title 63 and Title 68.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-121-106(1)(B), is amended by deleting subdivisions (i) and (ii) in their entirety and substituting instead the following:

(i) The installer of an elevator, dumbwaiter, escalator or moving walk shall pay directly to the department or its authorized representative an inspection fee not to exceed one hundred dollars (\$100);

(ii) The installer of an aerial passenger tramway shall pay directly to the department or its authorized representative an inspection fee not to exceed two hundred dollars (\$200);

SECTION 2. Tennessee Code Annotated, Section 68-121-106, is amended by deleting subdivision (6) in its entirety and substituting instead the following:

(6) In the event that the report required by subdivision (5) is not filed with the department within twenty (20) days after the final date when the elevator, dumbwaiter, escalator or moving walk should have been inspected, as required by subdivisions (2) and (3), the commissioner shall designate a licensed inspector in the employ of the state to make the inspection and to report to the department. For each such inspection and report made at the direction of the commissioner, the owner or lessee of such elevator, dumbwaiter, escalator or moving walk shall pay to the department an inspection fee of a minimum of twenty-five dollars (\$25) with a maximum of one hundred fifty dollars (\$150), such fees to be charged as adopted by the board under § 68-121-103(a)(5). Such fees shall be paid directly to the department, shall not be paid to the inspector, and shall be the only fee for which the owner or lessee shall be liable under this chapter for the inspections required by subdivisions (2) and (3);

SECTION 3. Tennessee Code Annotated, Section 68-121-107(b), is amended by deleting subsection (b) in its entirety and substituting instead the following:

(b) If the inspection report required by § 68-121-106 indicates failure of compliance with such applicable rules and regulations approved by the board under § 68-121-103, the commissioner shall give notice to the owner or lessee or

the person or persons of changes necessary for compliance with such rules and regulations. After such changes have been made, the commissioner shall issue an operating permit. The fee to be charged for the operating permit issued under the provisions of this chapter shall be adopted by the board pursuant to § 68-121-103(a)(5), and shall be in an amount sufficient to defray the cost of administering this chapter. Such fee shall not exceed a maximum of one hundred dollars (\$100).

SECTION 4. Tennessee Code Annotated, Section 68-121-108(c), is amended by deleting subdivisions (1), (2) and (3) in their entirety and substituting instead the following:

(1) A fee shall be paid to the department or its authorized representative for the issuing of construction permits required under subsection (b) for each new or altered elevator, dumbwaiter, escalator, or moving walk. The fee shall not exceed a maximum of three hundred dollars (\$300) annually. The fees shall be charged as adopted by the board under § 68-121-103(a)(5) and shall be in an amount sufficient to defray the cost of administering this chapter. The division of boiler and elevator inspection shall give receipts for all fees and sums received and shall transmit the fees and sums upon receipt to the state treasurer, who shall maintain a separate account of the fees and sums, and the fees and sums shall constitute expendable receipts of the department in addition to the appropriations otherwise available.

(2) A fee shall be paid to the department or its authorized representative for the issuing of construction permits required by subsection (b) for each new or altered aerial passenger tramway. The fee shall not exceed a maximum of three hundred dollars (\$300) annually. The fees to be charged as adopted by the board under § 68-121-103(a)(5) and shall be in an amount sufficient to defray the cost of administering this chapter. The division of boiler and elevator inspection shall give receipts for all fees and sums received and shall transmit the fees and sums upon receipt to the state treasurer, who shall maintain a separate account of the fees and sums, and the fees and sums shall constitute expendable receipts of the department in addition to the appropriations otherwise available.

(3) A fee shall be paid to the department or its authorized representative for the acceptance inspection and for each unscheduled follow-up inspection following the construction or alteration of an elevator, dumbwaiter, escalator, moving walk or aerial passenger tramway. The fees shall be charged as adopted by the board under § 68-121-103(a)(5) and shall be in the amount sufficient to defray the cost of administering this chapter. The fee shall not exceed a maximum of three hundred dollars (\$300) annually. The division of boiler and elevator inspection shall give receipts for all fees and sums received and shall transmit the fees and sums upon receipt to the state treasurer, who shall maintain a separate account of the fees and sums, and the fees and sums shall constitute expendable receipts of the department in addition to the appropriations otherwise available.

SECTION 5. This act shall take effect July 1, 2009, the public welfare requiring it.

PASSED: May 26, 2009



RON RAMSEY
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 11th day of June 2009



PHIL BREDESEN, GOVERNOR